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STATUTORY INSTRUMENTS

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**2004 No. 1772**

**The General Medical Services (Transitional Measure  
Relating to Non-Clinical Partners) Order 2004**

**Relevant non-clinical partners who, before this Order came into force, were partners in partnerships that entered into GMS contracts which took effect for payment purposes on 1st April 2004**

4.—(1) Where—

- (a) before this Order came into force, a relevant non-clinical partner was a partner in a partnership that entered into a general medical services contract that took effect for payment purposes on 1st April 2004; and
- (b) apart from the relevant non-clinical partner, every partner in that partnership was an individual falling within section 28S(2)(a) or (b) of the 1977 Act (persons eligible to enter into GMS contracts) at the time at which the partnership entered into the general medical services contract,

paragraph (2) applies.

(2) In the circumstances set out in paragraph (1), from the date this Order comes into force—

- (a) the general medical services contract referred to in that paragraph shall be treated as if it were a contract entered into by a partnership comprising only individuals falling within section 28S(2)(a) or (b) of the 1977 Act; and
- (b) the relevant non-clinical partner referred to in that paragraph shall, if on the date this Order comes into force he is still a partner in a partnership that has entered into a general medical services contract, be treated from that date as if he were an individual falling within section 28S(2)(b)(iv) of the 1977 Act, but he shall cease to be so treated if he does not provide services of a kind mentioned in section 28D(1)(bc) of that Act for a continuous period of six months after that date.